

have repealed or substantially modified it, removing any reference to uniformity: Connecticut, Ohio, South Carolina, South Dakota, and Wisconsin.

Montana has repealed the registration and manufacturers' provisions, but retains the crime of possessing or using a machine gun for an offensive or aggressive purpose, and certain presumptions. It also retains the prohibition against using a machine gun in a crime of violence. However, for the remaining crimes Montana retains "uniformity" language similar to § 4-406 of this subtitle. MT. CODE ANN. §§ 45-8-301 through 45-8-307.

Virginia and Arkansas have both retained the Uniform Machine Gun Act largely intact. VA. CODE ANN. §§ 18.2-288 through 18.2-298; AR. CODE ANN. §§ 5-73-201 through 5-73-211. Although Arkansas has never filled in the blank for the amount of the fine imposed on a manufacturer that fails to register a machine gun, it repealed the requirement for an owner to register a machine gun during its 2001 Legislative Session. §§ 5-73-208 and 5-73-209.

It is unclear to what extent there has ever been an occasion to construe any provision of this subtitle "uniformly" with regard to the corresponding statute of any other adopting state. The General Assembly may wish to consider removing the "uniform" designation of this subtitle, and perhaps the uniform construction provision of § 4-406 of this subtitle.

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 27, § 381, which provided for severability of any invalid provision of the subtitle, is deleted as surplusage in light of the application of Art. 1, § 23, which provides for the severability of all statutes enacted after July 1, 1973.

#### SUBTITLE 5. DESTRUCTIVE DEVICES.

##### 4-501. DEFINITIONS.

###### (A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 139A(a).

###### (B) DESTRUCTIVE DEVICE.

(1) "DESTRUCTIVE DEVICE" MEANS EXPLOSIVE MATERIAL, INCENDIARY MATERIAL, OR TOXIC MATERIAL THAT IS:

(I) COMBINED WITH A DELIVERY OR DETONATING APPARATUS SO AS TO BE CAPABLE OF INFLECTING INJURY TO PERSONS OR DAMAGE TO PROPERTY; OR